

STATE OF VERMONT
PUBLIC UTILITIES COMMISSION

Case No. 25-2346-PET

Petition of Northland Solar LLC
for a certificate of public good,
pursuant to 30 V.S.A. 248, authorizing
the installation and operation of
a 4.999 MW solar electric generation
facility in Lowell, Vermont

TOWN of LOWELL RESPONSE IN CONCURRENCE
to DEPARTMENT OF PUBLIC SERVICE'S 12-08-2025
MOTION TO CHANGE SCHEDULE:
REQUEST FOR EXPEDITED RESPONSE

The Town of Lowell hereby responds to the Motion to Change Schedule filed by the Department of Public Service on 12 08 2025 as follows:

The Department of Public Service did not attempt to contact the Town of Lowell (or Petitioner, according to Petitioner's response in opposition) regarding their Motion to Change Schedule; nor has the Department of Public Service proposed an alternative schedule for the site visit or other events, or provided dates on which they and their unnamed consultants would be available for a site visit. The Department did not even request an expedited decision, meaning that responses to their motion are due more than a week after the site visit is scheduled to have occurred.

That said, the Town of Lowell CONCURS with the Department's proposal to **reschedule the site visit, and moreover requests that a full contested litigation schedule be set**, for the following reasons:

1. At the time of this submission, the National Weather Service is predicting snow and bitter temperatures through December 11th, with several inches of snow anticipated to fall on both Wednesday and Wednesday night and more snow to fall on Thursday, obscuring visibility of the flagged project elements. Roads will require plowing, meaning a lack of safe parking locations for all participants in the site visit. Public safety to travelers on the roadways and to

participants in the site visit indicates that this is an inopportune time to schedule a site visit.

2. Petitioner's ability to mark the project elements in a visible fashion is critical to the participants' understanding of the project scope and impact. Petitioner's 12-08-2025 Response to Lowell's requests regarding site visit quite realistically referenced that their ability to do so, as well as the ability to accommodate the stops and view perspectives requested, was dependent upon site conditions and weather conditions. It is clear that those conditions are, and for the next several days will be, far less than ideal.

3. Moving the site visit back, especially with the holidays looming, requires moving other events in the present schedule. However, the present schedule requires substantial revision anyway, as set out in point 4.

4. The present schedule does not match up with the proceedings in this case, and the presently anticipated scheduling is unworkable:

The present schedule anticipates a *second round of discovery being served on the Petitioner on January 2. This is unreasonable.* Even if the site visit were to proceed on December 11, and Petitioner file their responses to the first round of discovery on December 12th, this requires the Town, other intervenors and presumably DPS and any other participating state agencies and their consultants and experts to work through the Christmas and New Years holidays – when many of the persons working with the Town on this matter will be traveling and unavailable -- to produce the second round of discovery.

Moreover, *there is no deadline set for responses to this second round of discovery.* The next item listed on the schedule is "Deadline for comments and stipulations and associated testimony and exhibits, and requests for hearing" on January 23. Presumably this is meant to signify the deadline for non-Petitioner testimony, with no indication that the discovery responses would be in before this occurs. In fact, there's no indication that the discovery would be responded to at all.

The schedule then effectively stops, saying that *if the case is contested, the*

parties are to file a litigation schedule by January 30.

However, the case is obviously contested, and there is no point in filing requests for hearing by January 23, as *the hearing officer already issued an Order on November 25th granting evidentiary hearing* on issues regarding the watershed and aesthetics. *A full schedule is necessary* which includes all of the litigation steps ordinarily incorporated in matters of this type and scope – discovery on non-petitioners, Petitioner’s rebuttal, discovery on rebuttal, motions dates and a hearing date to include live surrebuttal – should be set now to ensure that Intervenors’ experts and consultants are able to sufficiently schedule their availability.

Accordingly, the Town of Lowell requests that this Commission order:

--That the site visit presently scheduled for December 11, 2025 be cancelled; and,

--That the scheduled date of January 2, 2026 deadline for second round of discovery be nullified; and,

--That the Department be ordered to consult with the parties and submit a proposed complete litigation schedule by December 22 which indicates the position of all parties as regards such schedule; and,

--If all parties have submitted an agreed-upon/stipulated schedule, the hearing officer shall adopt that schedule; or

--If any party has indicated their opposition to the schedule submitted by the Department, the parties shall submit their positions and alternative proposed schedules by January 5th, after which the hearing officer shall make a determination and enter a scheduling order.

Respectfully submitted this 9th day of December 2025,

/s/ Jennifer Blay

Jennifer Blay

Town of Lowell Selectboard Chair/Intervenor

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